

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Laurie Incarnati,

Plaintiff,

v.

Case No.: 16-10066

Safe ID Trust, LLC, *et al.*

Honorable Sean F. Cox

Defendants.

ORDER DISMISSING CASE
FOR LACK OF SUBJECT-MATTER JURISDICTION

Plaintiff filed this action on January 8, 2016, in the United States District Court for the Eastern District of Michigan, asserting subject matter jurisdiction through diversity of citizenship pursuant to 28 U.S.C. §1332.

On February 4, 2016, the Court filed a Show Cause Order (Docket Entry No. 11) because Plaintiff had not sufficiently apprised the Court of the citizenship of each of Defendant SAFE ID's members. The Court ordered Plaintiff to show cause on or before February 12, 2016, why this case should not be dismissed for lack of subject matter jurisdiction. *Id.*

On February 12, 2016, Plaintiff filed a Response to the Court's order. (Docket Entry No. 12). In it, Plaintiff explained that "after diligent search and inquiry, [she] was unable to locate any public records or other documents that disclose the identities, much less the residences, of all the members of Defendant SAFE ID." *Id.* at 2. Plaintiff stated that she was only able to ascertain the citizenship of Defendant Bryan McLane, the principal member of Defendant SAFE

ID. *Id.* The Court therefore ordered Defendant SAFE ID to disclose the citizenship of each of its members in its Answer to Plaintiff's Complaint. (Docket Entry No. 13).

On March 1, 2016, Defendants filed an Answer. (Docket Entry No. 15). In it, Defendant SAFE ID disclosed the citizenship of 16 of its members:

| <u>Member</u> | <u>Citizenship</u> |
|--|--------------------|
| Your Safe ID, LLC (Plaintiff's company) | Michigan |
| Robert Alvarez | Florida |
| John Brian McLane | Florida |
| Brian Richmond | Kentucky |
| Andrew Hamer | New Hampshire |
| Wally Olsen | Kansas |
| Brian Lyles | Pennsylvania |
| McLane Holdings, LLC | Kentucky |
| Advanced Solutions Asset Protection, Inc. | California |
| JLL Advisors, LLC | Florida |
| Esch Enterprise, LLC | Florida |
| Macon A Difference, LLC | Missouri |
| Decathlon Consulting Services, Inc. | Tennessee |
| Paul Bernstein and SaleSFS, LLC | Kentucky |
| Restored ID, LLC | Ohio |
| Red Phoenix 2 | Ohio |

Id. ¶ 5 (emphasis added).

Because Plaintiff alleges that this Court has jurisdiction pursuant to 28 U.S.C. § 1332, complete diversity of citizenship between the disputing parties is required. *See* 28 U.S.C. §1332(a). As the Court previously explained in its Show Cause Order, a "limited liability company is not treated as a corporation" for purposes of diversity jurisdiction. *Homfeld II, LLC v. Comtair Holdings, Inc.*, 53 Fed. Appx. 731 (6th Cir. 2002). Rather, a limited liability company "has the citizenship of its members." *Id.* Here, Defendant SAFE ID is comprised of 16 members, one of which is a member of Michigan. This renders Defendant Safe ID a citizen of Michigan for purposes of jurisdiction. Because both Plaintiff and Defendant SAFE ID are

citizens of Michigan, the Court lacks subject matter jurisdiction over this action.

Thus, the Court shall **DISMISS** this case for lack of subject matter jurisdiction.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: March 21, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 21, 2016, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager